

# Office of the State Public Defender

## Administrative Policies

Subject: <b>Management of the Appellate Defender Office</b>	Policy No.: <b>301</b>
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Section: <b>1-105</b>	Last Review Date: <b>8-29-11</b>
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### 1.0 POLICY

- 1.1** The Office of the Appellate Defender (OAD) is separate and distinct from the Office of the State Public Defender (OPD). Pursuant to 47-1-105, the Chief Appellate Defender reports directly to the Montana Public Defender Commission.

### 2.0 PROCEDURE

#### 2.1 Public Defender Commission

- 2.1.1** The Public Defender Commission shall appoint the Chief Appellate Defender who is a state employee exempt from the state classification and pay plan.
- 2.1.2** The Public Defender Commission shall establish the qualifications, duties, and compensation for the Chief Appellate Defender.
- 2.1.3** The Public Defender Commission shall regularly evaluate the performance of the Chief Appellate Defender.

#### 2.2 Chief Appellate Defender

- 2.2.1** The Chief Appellate Defender serves at the pleasure of the Public Defender Commission.
- 2.2.2** The Chief Appellate Defender shall have exclusive management authority in the OAD in the following areas:
- 2.2.2.1** All personnel issues, including hiring, discipline and firing of staff;
  - 2.2.2.2** Day-to-day operation of the office;
  - 2.2.2.3** Assignment of cases, including determining which cases are to be contracted out and to whom (except conflict cases);
  - 2.2.2.4** Review and determine issues to be raised on appeal, including issues of ineffective assistance of counsel;
  - 2.2.2.5** Determine whether an extraordinary writ should be filed; and
  - 2.2.2.6** Approval of all invoices, contractor bills (excluding conflict contractor bills), and special costs.
- 2.2.3** The Chief Appellate Defender shall be responsible for budgeting, reporting, and related administrative functions for the OAD. The Central Office shall provide assistance with budgeting, reporting

and related administrative functions for the Chief Appellate Defender.

**2.2.4** The Chief Appellate Defender shall confer with the Chief Public Defender regarding budgetary issues.

**2.2.5** The Chief Appellate Defender shall submit budgetary requests and reports through the Public Defender Commission.

### **3.0 CLOSING**

Questions about this policy should be directed to the OAD at the following address:

Office of the Appellate Defender  
139 N. Last Chance Gulch  
P.O. Box 200145  
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